

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

ALBERT L. LAKE, JR.,	:	Case No. 2:24-cv-04155
Petitioner,	:	
- vs -	:	District Judge James L. Graham
	:	Magistrate Judge Michael R. Merz
WARDEN, Belmont Correctional	:	
Institution,	:	
Respondent.	:	

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 12), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections were filed, and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Petition be DISMISSED without prejudice for failure to exhaust available state court remedies. The dismissal is without prejudice to Petitioner's filing a new habeas corpus case once appeal to the Ohio Supreme Court had been completed. Petitioner is DENIED any requested certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*.

July 9, 2025

s/ James L. Graham
James L. Graham
United States District Judge